



# Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

[www.southernshores-nc.gov](http://www.southernshores-nc.gov)

Resolution 2010/12/02

## **Resolution Establishing Guiding Principles for Making Decisions on Transportation Infrastructure, Public Safety, and Traffic Control**

**Whereas**, roads and pathways should always ensure the safe and efficient movement of pedestrians, vehicles and emergency equipment within, through and out of the Town of Southern Shores; and

**Whereas**, decisions on Town transportation infrastructure, public safety, and traffic control should always be made in compliance with the needs of the Town of Southern Shores and incorporate appropriate State and Federal transportation requirements; and

**Whereas**, there should be an overall framework for making decisions on transportation infrastructure, public safety, and traffic control that is consistent with the needs of the citizens of the Town of Southern Shores;

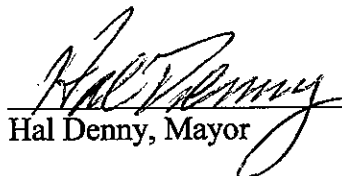
**Now Therefore** the Town Council of the Town of Southern Shores hereby resolves that whenever a road is constructed, altered, or repaired, decisions related to the construction, alteration, or repair of the road should be based on the following guiding principles during the planning process:

- Safety is the primary factor.
- Roads are for vehicles, not pedestrians.
- Vehicles and pedestrians should be separated on primary and secondary roads.
- Different road classes are appropriate for different purposes.
- Work on a road should take into account all factors that impact that road and connected roads.
- All stakeholders should be given an opportunity to provide input to the road construction, alteration, or repair process prior to any decisions being made.

Enacted by the Town Council of the Town of Southern Shores this the 7<sup>th</sup> day of December, 2010.

Attest:



  
Hal Denny, Mayor



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Resolution 2010-12-01

**COUNCIL MEETING SCHEDULE**

**WHEREAS**, the Town Council of Southern Shores hereby resolves to implement the following as its monthly meeting schedule for calendar year 2011 and;

**WHEREAS**, all Council meetings are scheduled to be held in the Kern P. Pitts Center and this is a Dare county voting place.

**BE IT RESOLVED** that the regular monthly meetings of the Town of Southern Shores Town Council will take place in the Kern P. Pitts Center on the first Tuesday of each month being called to order at 7:00 p.m. but more specifically as follows:

Tuesday, January 4, 2011  
Tuesday, February 1, 2011  
Tuesday, March 1, 2011  
Tuesday, April 5, 2011  
Tuesday, May 3, 2011  
Tuesday, June 7, 2011

Tuesday, July 5, 2011  
Tuesday, August 2, 2011  
Tuesday, September 6, 2011  
Tuesday, October 4, 2011  
Wednesday, November 2, 2011  
Tuesday, December 6, 2011

**BE IT RESOLVED** that the regular monthly Town of Southern Shores Town Council agenda workshop meetings will take place on the third Tuesday of each month being called to order at 8:00 a.m. in the Kern P. Pitts Center but more specifically as follows:

Tuesday, January 18, 2011  
Tuesday, February 15, 2011  
Tuesday, March 15, 2011  
Tuesday, April 19, 2011  
Tuesday, May 17, 2011  
Tuesday, June 21, 2011

Tuesday, July 19, 2011  
Tuesday, August 16, 2011  
Tuesday, September 20, 2011  
Tuesday, October 18, 2011  
Tuesday, November 15, 2011

**BE IT RESOLVED** if Council finds there are no specific items for the third Tuesday meeting agenda the meeting will be cancelled.

**BE IT RESOLVED** if an election is being held on the first Tuesday of a month then the Council meeting date will be changed to the first Wednesday at 7:00 p.m.

**BE IT FURTHER RESOLVED** that to process routine actions in an expeditious manner a consent agenda will be utilized and administered by the Town Manager as part of Council's regular meeting agenda.

**BE IT FURTHER RESOLVED** to insure public comment is heard one or more Public Comment sections will be placed on the Council meeting agendas. Such comments shall be brief and to the point. The Mayor and or Council may address comments raised or refer the comments to staff for further investigation.

Adopted this 1st day of December 2010.

SEAL

ATTEST:

Carrie Gordina  
Carrie Gordina, Town Clerk

  
Mayor Hal Denny

## **Resolution Implementing a Reduction in Force**

The Town Council of the Town of Southern Shores, NC, pursuant to the Town's Reduction in Force policy as incorporated in the adopted Personnel Policy, does hereby enact a reduction in the work force of the Town based on the following findings and conclusion:

1. As one means of contributing to abatement of the continuing use of the Town's fund balance to meet foreseeable budget shortfalls in revenues, the Town Manager has evaluated the necessity of each position employed within the Town's workforce.
2. The Town Manager has considered the services and work outcomes expected and anticipated of each employed position based on the respective job descriptions as documented in the Town's Position Classification Plan; the Town Manager has considered whether the resulting workloads are sufficient to warrant the necessity of each position, considering both current public demand for the services and anticipated budget shortfalls.
3. The Town Manager has determined that certain positions of the Town's work force are not currently necessary for Town operations based on significantly reduced or non-existent workloads; the Town Manager has also determined that the Town can realize reduced expenses if current reduced workloads are performed through private or public contract or by absorption by other positions of the Town's work force.
4. One of the positions determined not necessary for current Town operations is "Administrative Assistant". The current job description for the "Administrative Assistant" position was adopted by the Town Council on July 20, 2010 at the recommendation of the Town Manager.
5. The specific duties and responsibilities delineated in the "Administrative Assistant" job description are unique and clearly distinct from the job descriptions of all other Town positions, including specifically those other positions within the same Administration Department; the "Administrative Assistant" position is therefore a separate class or category from each of the other Town positions.
6. One of the positions determined not necessary for current Town operations is "Code Enforcement Administrator". The primary duties and responsibilities for this position are serving as the Town's Building Inspector. The specific duties and responsibilities delineated in the position's job description are unique and clearly distinct from the job descriptions of all other Town positions; the "Code Enforcement" position is therefore a separate class or category from each of the other Town positions.
7. One of the positions determined not necessary for current Town operations is the part-time position "Fire Inspector". The specific duties and responsibilities for the part-time position "Fire Inspector" are unique and clearly distinct from the job description of all other Town positions; the "Fire Inspector" position is therefore a separate class or category from each of the other Town positions.

8. The Town Manager has now determined that there is insufficient work for the positions of Administrative Assistant, Code Enforcement Administrator and Fire Inspector, thereby creating a necessity that these positions be eliminated from the Town's Position Classification Plan.
9. Upon adoption of this resolution, the Town Manager will implement a reduction in force accordingly.

Based on the foregoing findings of fact, the Town Council concludes that a Reduction in Force of the positions of "Administrative Assistant", "Code Enforcement Administrator" and "Fire Inspector" is necessary.

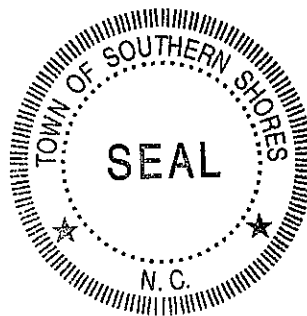
Therefore be it resolved that the positions of Administrative Assistant, Code Enforcement Administrator and Fire Inspector are eliminated effective November 19, 2010, and the Town Clerk is directed to amend the Town's Position Classification plan commensurate with this action. Upon separation by reduction in force, the employees occupying each of these three positions shall also be paid for their accumulated vacation leave in accordance with the Town's Personnel policy.

The Town Manager is further authorized to administer the absorption of the work of each of these positions into the remaining workforce or contract for the services through private or public contract at reduced expense.

Enacted by the Town Council this the 3<sup>rd</sup> day of November, 2010.

  
Mayor

Attest:   
Town Clerk





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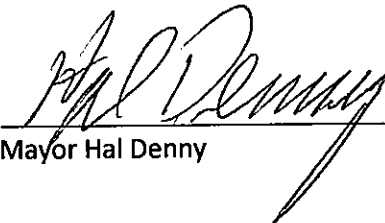
Resolution 2010-09-01

**RESOLUTION AUTHORIZING OBLIGATION OF DEBT SERVICE COSTS FOR LEASE-PURCHASE  
ACQUISITIONS**

**Whereas**, the Town Council of the Town of Southern Shores, NC, on June 15, 2010, adopted a Budget Ordinance for Fiscal Year 2010-2011 operations, and which appropriated funds for anticipated debt service costs for the lease-purchase or other installment financing for acquisition of three (3) new vehicles for the Town's Police Department;

**Therefore Be It Resolved** that the Southern Shores Town Council authorizes the Town Manager to enter into and execute such lease-purchase or other installment financing documents, determined appropriate for the acquisition of the three (3) new vehicles on behalf of the Town of Southern Shores, consistent with the appropriation made in the Budget Ordinance adopted June 15, 2010.

Adopted this 7<sup>th</sup> day of September 2010.

  
Mayor Hal Denny

ATTEST:  
  
Carrie Gordin, Town Clerk  
N. C.



# Town of Southern Shores

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Resolution 2010-07-01

## RESOLUTION REGARDING RETIREE INSURANCE COVERAGE

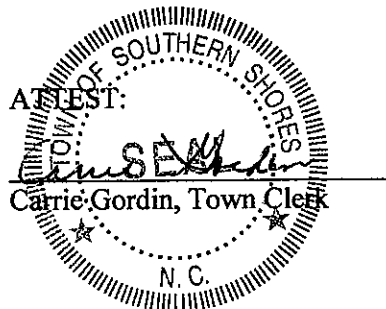
**WHEREAS**, the North Carolina League of Municipalities allows retirees to retain medical insurance coverage if authorized by the units governing board and;

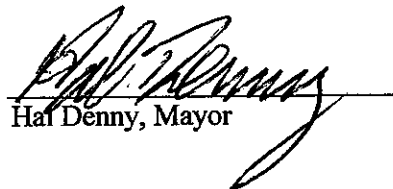
**WHEREAS**, the Town of Southern Shores is committed to honoring and rewarding the employees who have given dedicated services to the Town;

**WHEREAS** the Town of Southern Shores desires to amend its *Retiree Health and Dental Insurance Benefits Policy* for retired employees to reflect consistency with Medicare coverage eligibility.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the Town of Southern Shores, North Carolina that the Town's *Retiree Health and Dental Insurance Benefits Policy* for retired employees is hereby amended as shown on the attachment hereto.

ADOPTED this the 6<sup>th</sup> day of July, 2010.



  
Hal Denny, Mayor

Adopted  
November 7, 2007

**TOWN OF SOUTHERN SHORES  
RETIREE HEALTH AND DENTAL  
INSURANCE BENEFITS  
POLICY**

**A. HEALTH INSURANCE FOR RETIREES HIRED ON OR AFTER NOVEMBER 1, 2007**

For employees hired on or after November 1, 2007, the term "qualified retiree" is defined as an employee who:

- (1) Retires from the Town with **25** completed years of service with the Town; **and**
- (2) Retires with **unreduced benefits** from the NC Local Government Employee's Retirement System. See definition of unreduced benefits in Section F of this policy.

A qualified retiree will have their individual health and dental insurance coverage paid for by the Town if the retiree elects to retain health and dental insurance for themselves through the Town. In the event that the Town's health insurance plan does not provide retiree health coverage, the Town shall reimburse the qualified retiree for monthly health premiums paid by the qualified retiree for individual employee only coverage. This shall be done upon receipt of proof of payment. The amount the Town will pay for coverage or will reimburse a qualified retiree for coverage shall not exceed the then current health benefit paid by the Town for active employees for individual employee only coverage. The Town will pay the premium (as stated above), for health and dental coverage **only** until the qualified retiree becomes eligible for Medicare coverage. Upon a qualified retiree becoming eligible for Medicare coverage or reaching the age of 65 whichever comes first, the Town will no longer pay premiums for health or dental coverage of any kind.

**B. HEALTH INSURANCE BENEFITS FOR RETIREES HIRED BEFORE NOVEMBER 1, 2007**

For employees hired before November 1, 2007, the term "qualified retiree" is defined as an employee who:

- (1) Retires from the Town with **10** completed years of service with the Town; **and**
- (2) Retires with **unreduced benefits** from the NC Local Government Employee's Retirement System. See definition of unreduced benefits in Section F of this policy.

Under no circumstances will the Town pay more than the amount the Town pays for individual employee only coverage for employees actively participating in the Town's health/dental program. Upon a qualified retiree becoming eligible for Medicare coverage or reaching the age of 65 whichever comes first, the Town will no longer pay premiums for health or dental coverage of any kind. Dependent coverage may also be purchased, but must be paid entirely by the qualified retiree.

In the event of the death of the retired employee, covered dependents may continue coverage for 36 months under COBRA.

**C. ELECTION OF RETIREE HEALTH INSURANCE COVERAGE**

Qualified retirees must decide within thirty (30) days after their retirement if they wish to continue Town health/dental insurance coverage, if it is available through the Town's plan. Before insurance can be reinstated, the qualified retiree must make payment arrangements for any premium due during the 30 day election period. If a decision has been made not to continue coverage, coverage will not be reinstated at any future date.

**D. PAYMENT OF PREMIUM**

Payment of premiums for coverage on dependents and the portion of the qualified retiree's premium not covered by the Town must be made by the last business day of the month prior to coverage. For example, payments of premiums for coverage during the month of July must be made on or before June 30. (If June 30 is a Saturday, the payment must be made by June 29<sup>th</sup>). A 2% administrative fee may be charged in addition to the monthly premium. Payments can be made monthly or quarterly and can either be mailed or brought to the Town's Finance Department so long as the payment is actually received before the last business day of the month. Monthly statements will be sent out indicating any balances due. Failure to pay the required premium to the Town's Finance Department within thirty (30) days of the due date will result in cancellation and loss of coverage. Once coverage has been cancelled for any reason, it cannot be reinstated.

**E. AMENDMENTS**

This policy is subject to change from time to time as the coverage requirements of the NC Local Government Employee's Retirement System or other benefit plans sponsored by the Town change. All benefits are contingent on the financial condition of the Town and the provision for such funding in each annual budget. The insurance benefits are subject to change with or without notice and in no way should this section be construed as a contract or guarantee of provision of these benefits beyond the current fiscal year. This policy supersedes all other policies relating to health/dental benefits.

**F. DEFINITION OF UNREDUCED BENEFITS**

The NC Local Government Employee's Retirement System classifies unreduced benefits to be one of the following:

- Law Enforcement Employees who are age 55 and have completed 5 years of creditable service as an officer **OR** 30 years of creditable service at any age.
- All General Employee's who are age 65 and completed 5 years of creditable service **OR** age 60 with 25 years of creditable service **OR** 30 years of creditable service at any age.





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## RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA REGARDING THE USE OF EMINENT DOMAIN TO ACQUIRE CERTAIN PROPERTIES

(Resolution #2010-04-01)

**WHEREAS**, the Town Council of the Town of Southern Shores is engaged in a project to have the Town's canals dredged (the "Canal Dredging Project"); and

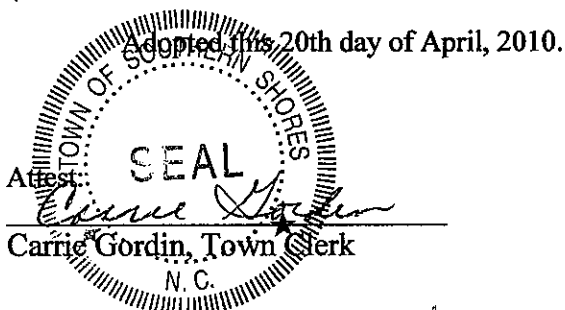
**WHEREAS**, the Town and/or its potential contractor for the Canal Dredging Project may need to use the following properties to dewater dredge spoils associated with the Canal Dredging project:

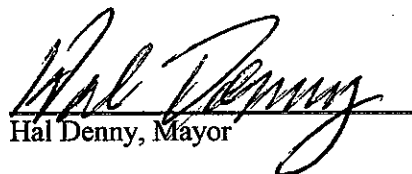
279 Hillcrest Drive;  
283 Hillcrest Drive; and

**WHEREAS**, the owners of the above-referenced properties have indicated to the Town's potential contractor that the properties may only be used if the Town agrees not to acquire the properties in the future through the use of its power of eminent domain; and

**WHEREAS**, the Town cannot formally bind itself regarding its future use of its eminent domain power, but the current Town Council desires to express to the property owners of the above-referenced properties that the Town currently has no intention of exercising its power of eminent domain to acquire any interest in their property.

**NOW, THEREFORE BE IT RESOLVED**, the Town Council resolves that it currently has no intention of exercising its power of eminent domain to acquire any interest in either of the above-referenced properties.



  
Hal Denny, Mayor



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Resolution 2010-03-02

## **RESOLUTION OPPOSING THE INCLUSION OF CAPE HATTERAS NATIONAL SEASHORE AND CAPE LOOKOUT NATIONAL SEASHORE INTO A NATIONAL MARINE PROTECTION AREA (MPA)**

**WHEREAS**, the Dare County Board of Commissioners, acting on advice and recommendation from the North Carolina Watermen United, has reviewed the proposed inclusion of the Cape Hatteras National Seashore and Cape Lookout National Seashore into a National Marine Protection Area (MP); and

**WHEREAS**, National Marine Protection Areas are delineated areas in the oceans, estuaries and coasts with a higher level of protection than prevails in the surround waters; and

**WHEREAS**, National Marine Protection Areas use a classification system that focuses on five key functional characteristics; Conservation Focus, Level of Protection Afforded, Permanence of Protection, Constancy of Protection and Ecological Scale of Protection; and

**WHEREAS**, the current National Marine Protection Areas nomination is unclear on the level of protection sought for Cape Hatteras and Cape Lookout National Seashores in regards to No Fishing, No Take and No Access clauses which further prohibit or restrict commercial or recreational fishing; and

**WHEREAS**, the creation of No Fishing, No Take and No Access clauses within the National Marine Protection Area would cause severe adverse effects on Dare County, its citizens and visitors both economically and culturally; and

**WHEREAS**, the clauses of No Fishing, No Take and No Access are in direct conflict with the stated goal of the National Parks Service nomination which is protecting the natural Heritage of both Cape Lookout and Cape Hatteras National Seashores as much of Dare County heritage is engrossed in commercial and recreational fishing; and

**WHEREAS**, inclusion of Cape Hatteras National Seashore and Cape Lookout National Seashore into a National Marine Protection Area will be devastating to the Commercial and Recreational Fishing Industry of Dare County and Coastal North Carolina, thus placing an undue hardship on the Dare County economy especially in the Tourism, Service and Retail sectors as related to the for-hire commercial charter vessels, commercial and recreational fishing industry; and

**WHEREAS**, existing Federal and State laws and regulations from agencies such as the North Carolina Division of Marine Fisheries, North Carolina Wildlife Resources Commission, the United States Fish and Wildlife Department and the South Atlantic Marine Fisheries Commission already regulate the levels of activities along Cape Hatteras National Seashore and any further regulations under the proposed National Marine Protection Areas would be burdensome and further bring undue economic hardship to Dare County, it's citizens and visitors.

**NOW THEREFORE BE IT RESOLVED** that the Town Council of the Town of Southern Shores requests that the Secretary of Commerce and the Secretary of Interior along with the National Marine Protection Area Commission consider and study the economic impacts to Dare County and the State of North Carolina in regards to the inclusion of Cape Hatteras National Seashore and Cape Lookout National Seashore into the National Marine Protection Area; and

**FURTHER BE IT RESOLVED** that the Town Council of the Town of Southern Shores strongly opposes any additional regulations or prohibitions including any No Fishing, No Take and No Access clauses associated with the proposed National Marine Protection Area; and

**FURTHER BE IT RESOLVED** that copies of this resolution will be transmitted to the United States Congressional members representing Dare County and Coastal North Carolina, the United States Senators representing North Carolina, the United States Secretary of Interior and the United States Secretary of Commerce.

This the 2nd day of March, 2010



Hal Denny, Mayor



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## Resolution 2010-03-01

### **RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA ESTABLISHING A POLICY FOR PREPARING, APPROVING AND MAINTAINING GENERAL ACCOUNTS AND MINUTES OF CLOSED SESSIONS**

**WHEREAS**, the Town Council of the Town of Southern Shores is required by the North Carolina General Statutes to keep a general account and minutes of its closed sessions; and

**WHEREAS**, the Town Council of the Town of Southern Shores must occasionally consider the draft minutes of its closed sessions and vote on the approval of the same.

**NOW, THEREFORE BE IT RESOLVED**, the Town Council hereby adopts the following policy with regard to preparation and maintenance of the general accounts and minutes of closed sessions of the Town Council:

1. All draft and approved general accounts and minutes of past, present and future closed sessions of the Town Council are hereby sealed unless or until affirmatively unsealed by majority vote of the Town Council. This provision shall include, but not be in any way limited to, notes taken, documents and materials considered, recordings made and resolutions adopted during the closed session. All draft and approved general accounts and minutes of closed sessions of the Town Council which have previously been released or unsealed by affirmative vote of a majority of the Town Council shall remain released or unsealed unless a majority of the Town Council votes to seal any such general account or minutes.
2. Unless absent due to illness or previously planned vacation or pursuant to an affirmative vote of a majority of the Town Council, the Town Clerk shall attend all closed sessions of the Town Council. The Town Clerk shall prepare a draft of the general account and minutes of each closed session for subsequent review by the Town Council. In the absence of the Town Clerk, the Town Manager shall prepare the draft general account and minutes of the closed session. If neither the Town Clerk nor the Town Manager attends a closed session the Mayor or the Town Council by majority vote shall appoint a member of the Town Council to prepare the draft general account and minutes of the closed session.
3. To the extent possible a separate general account and minutes of each portion of a closed session which can be associated with a separate purpose shall be prepared.
4. The draft general account and minutes of each closed session shall be prepared within thirty (30) days of the closed session to which they apply. The draft general account and minutes of each closed session shall be submitted for approval of the Town Council at the earlier of (1) the first scheduled closed session held after they have been prepared;

or (2) a closed session specifically held for such purpose at the first Town Council meeting greater than ninety (90) days after the closed session to which they apply. The Town Clerk shall ensure that general accounts and minutes of closed sessions are considered as required herein.

5. The Town Clerk shall keep a running list of the draft and approved general accounts and minutes of all closed sessions of the Town Council denoting the following:
  - a. Whether each is draft or approved;
  - b. Whether each is sealed, unsealed or partially unsealed;
  - c. The general purpose of the closed session; and
  - d. Whether each shall be permanently sealed.
6. At each closed session where draft general accounts and minutes are to be submitted to the Town Council for approval, the Town Clerk shall submit the list of draft and approved general accounts and minutes of closed sessions to the Town Council for consideration of whether or not any sealed general accounts and minutes should be unsealed or partially unsealed and whether or not any general accounts and minutes should be permanently sealed. The Town Council shall also perform such consideration at its first regular meeting in January and at its last regular meeting before any scheduled election. The Town Clerk shall prepare a draft resolution of action to be taken for the Town Council's consideration.
7. If any word, phrase, language, section or other portions of this policy are held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, sections or other portions of this policy shall remain in full force and effect.
8. Any and all other policies previously adopted by the Town which are inconsistent with this policy are hereby revoked.

Adopted this 2nd day of March, 2010.



Attest:

Carrie Gordin  
Carrie Gordin, Town Clerk

Hal Denny  
Hal Denny, Mayor